

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of
Fiber Technologies Networks, L.L.C.,
Complainant,
v.
Verizon New England, Inc.
and
Narragansett Electric Company d/b/a
National Grid,
Respondents.
File No.: EB-11-MD-002

ORDER OF DISMISSAL

Adopted: December 17, 2013

Released: December 17, 2013

By the Deputy Chief, Market Disputes Resolution Division, Enforcement Bureau:

1. On January 18, 2011, Fiber Technologies Networks, L.L.C. (Fibertech) filed a pole attachment complaint against Verizon New England, Inc. (Verizon) and the Narragansett Electric Company d/b/a National Grid (National Grid) pursuant to section 224 of the Communications Act of 1934, as amended (Act).

2. On December 13, 2013, the parties filed a joint motion to dismiss the Complaint without prejudice. In the Motion, the parties state that Fibertech has agreed to seek dismissal of the Complaint in order to dispose of all issues and controversies in the Complaint. The parties assert that dismissal of the Complaint without prejudice will serve the public interest by eliminating the need for further litigation and the expenditure of the associated time and resources of the parties and the Commission and will promote the private resolution of disputes.

3. We are satisfied that granting the Motion will serve the public interest as stated in the Motion.

1 Pole Attachment Complaint, File No. EB-11-MD-002 (filed Jan. 18, 2011). At staff direction, Fibertech filed an amended complaint on February 9, 2011. Amended Pole Attachment Complaint, File No. EB-11-MD-002 (filed Feb. 9, 2011) (together, Complaint).

2 47 U.S.C. § 224.

3 Joint Motion to Dismiss Complaint Without Prejudice, File No. EB-11-MD-002 (filed Dec. 13, 2013) (Motion).

4 Motion at 1.

5 Motion at 1-2.

4. Accordingly, IT IS ORDERED, pursuant to sections 4(i), 4(j), and 224 of the Act, 47 U.S.C. §§ 154(i), 154(j), and 224, and the authority delegated in sections 0.111, 0.311, and 1.1401-1.1422 of the Commission's rules, 47 C.F.R. §§ 0.111, 0.311, and 1.1401-1.1422, that the Motion is GRANTED.

5. IT IS FURTHER ORDERED, pursuant to sections 4(i), 4(j), and 224 of the Act, 47 U.S.C. §§ 154(i), 154(j), and 224, and the authority delegated in sections 0.111, 0.311, and 1.1401-1.1422 of the Commission's rules, 47 C.F.R. §§ 0.111, 0.311, and 1.1401-1.1422, that the Complaint is DISMISSED WITHOUT PREJUDICE.

FEDERAL COMMUNICATIONS COMMISSION

Lisa J. Saks  
Deputy Chief  
Market Disputes Resolution Division  
Enforcement Bureau